

REMARKS

The Final Office Action mailed March 11, 2008 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Rejection(s) Under 35 U.S.C. §103(a)

Claims 1 and 2 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Robins et al. (U.S. pat. no. 6,430,184).

Claims 1 and 2 have been amended to state that the packeting module receives a message from the message composition module when the message composition module needs a data packet. This feature, supported for example on page 10, lines 7-17 of Applicants' disclosure, is not disclosed in Robins et al. Rather, in Robins et al., QM 30 receives an instruction from RE 40 for packeting according to linke-lists of packet descriptors stored in the buffers of the QM 30.

Claim 3 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Robins et al. in view of Leslie et al. (U.S. pat. no. 5,077,671).

Claim 3 depends directly or indirectly from base claim 1. Leslie et al. fails to remedy the above-mentioned shortcomings of Robins et al. with respect to base claim 1. Accordingly, claim 3, which by definition includes all the limitations of base claim 1, is patentable over the combination of these references.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed

combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.¹

In this case, the rejection based on the combination of the Robins et al. and Leslie et al. fails to rise to the level of a *prima facie* case of obviousness, at least for the reasons outlined above. Accordingly, it is respectfully urged that the obviousness rejection of claims 1-3 is improper and should be withdrawn.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
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¹ M.P.E.P § 2143.